

Application No. 09/921,096
Amendment dated October 18, 2007
Reply to Office Action of April 19, 2007

REMARKS

Applicant amended independent claims 1, 8, 15, 22, and 29 to further define Applicant's claimed invention. Support for the amendment to claims 1, 8, 15, 22, and 29 can be found at least on page 3, lines 7-12, and page 4, lines 14-17. No new matter has been added.

In the Office Action, the Examiner rejected claims 1-4, 6-11, 13-18, 20-25, 27-33, 35, and 37-39 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,790,935 to Payton ("Payton"); and rejected claims 5, 12, 19, 26, and 34 under 35 U.S.C. § 103(a) as being unpatentable over Payton in view of U.S. Patent No. 6,457,010 to Eldering et al.

Applicant amended independent claims 1, 8, 15, 22, and 29 to recite video content including groupings of media assets and associated metadata, "the groupings determined by at least one criteria common to the media assets and not determined by content preference of a consumer." Payton does not disclose or suggest such systems and methods.

Payton teaches a subscriber profile that "preferably includes a rating vector (shown in FIG. 6) in which the subscriber has rated each of the items he or she has previously requested," and "may also include demographic information about the subscriber such as the subscriber's general likes and dislikes." (Payton, col. 5, lines 6-12). Payton further teaches that "[a] collaborative filtering system 42 synthesizes the subscriber profiles 40, predicts which of the available items 36 each subscriber may be interested in or may request, and produces a list 44 of those recommended items for each subscriber." (Payton, col. 5, lines 12-16).

In Payton, the grouping of content on a recommended list is determined by synthesis of subscriber content preference data (i.e., rating of viewed content, content viewing history, general content viewing likes and dislikes) via a collaborative filtering system. Payton does not teach or suggest that the groupings are determined by at least one criteria common to the media assets and not determined by viewing preference of a consumer as recited in independent claims 1, 8, 15, 22, and 29.

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Applicant submits that the Examiner's rejection of independent claims 1, 8, 15, 22, and 29 under 35 U.S.C. § 102(b) over Payton has been overcome.

Applicant submits that independent claims 1, 8, 15, 22, and 29 are allowable and that dependent claims 2-7, 9-14, 16-21, 23-28, and 30-39 dependent from one of independent claims 1, 8, 15, 22 and 29, or claims dependent therefrom, are allowable at least due to their dependency from an allowable independent claim.

In view of the foregoing remarks, it is respectfully submitted that the claims, as amended, are patentable. Therefore, it is requested that the Examiner reconsider the outstanding rejections in view of the preceding comments. Issuance of a timely Notice of Allowance of the claims is earnestly solicited.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1068.

Respectfully submitted,

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